IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.70 OF 2006

Santosh Somanth Kamble ....Applicant.

V/s

State of Maharashtra
Sahakarnagar Police Station ....Respondent.

Mr. Vikas Shivakar for the applicant.

Mr. Y.S. Shinde, APP for the State.

CORAM: V.M. KANADE, J.

DATE: 30th January, 2006

P.C.:

1. Heard the learned Counsel for the applicant and the learned APP for the State.

2. The applicant was arrested on 19/7/2005 in connection with an offence punishable under section 302 of the Indian Penal Code, which was registered with the Sahakarnagar Police Station, Pune. It is alleged that a complaint was filed by one Rahul, stating therein that his father was missing since 16/7/2005 and, after two days, a complaint was filed that his father was kidnapped by the present applicant and two other persons. It was alleged in the complaint that his father had encouraged one Ms. Deepali Wadhane to lodge a complaint against the

present applicant and others for an offence punishable under section 376 of the Indian Penal Code.

3. The learned Counsel appearing for the applicant submits that the body of the deceased was found in a field and there were no eye witnesses to the incident. He submitted that there was no recovery of weapons at the instance of the applicant. He further submitted that the charge-sheet was filed and, therefore, no useful purpose will be served by keeping the applicant in jail as the trial is not likely to begin.

4. It is not possible to accept the submissions made by the learned Counsel appearing on behalf of the applicant. A perusal of the statements of the witnesses reveal that the applicant was last seen with the deceased. There was also sufficient motive against the deceased. The witnesses Babankumar Pande and Ismail Mohiddin have stated that they had seen the applicant alongwith the deceased. The post-mortem notes indicate that the deceased had died due to head injury. In view of this material which is on record against the applicant, it is not possible to release the applicant on bail. Moreover, the applicant is alleged to have committed the said murder of the deceased since he had assisted the complainant Ms.

Deepali to lodge the complaint against the applicant under section 376 and on account of that he was allegedly murdered. If the applicant is released on bail, he is likely to threaten the witnesses. Under these circumstances, the application for bail is rejected.

5. Application is accordingly disposed of.

V.M. KANADE, J.